

dispersed in the polymer" of the toner particles. Neither prior art reference nor the combination teaches such toner particles. In fact, both of the prior art references are aimed at providing a metalized toner image and both avoid the claimed toner.

Chou describes a liquid toner composition containing the following:

(a) electrostatically charged, colloidal elemental metal particles dispersed in a carrier liquid;

(b) a soluble surfactant in sufficient concentration to charge and stabilize the colloidal metal dispersion; and

(c) an effective amount of organosol particles and/or at least one soluble polymer that is not a soluble surfactant. (col. 2, lines 55-64)

It is noteworthy that there is no teaching of toner particles that are comprised of a polymer and metal dispersed in the polymer (even without any requirement that the metal be in flake form). In Chou, the metal is separate from the organosol, which might be stretched to be (but probably should not be) considered "toner particles."

Ray describes the use of metal flake material in toners. However, Ray, in describing the various processes for producing such toners makes clear that two of the processes, namely extrusion and mixing in a high shear mixer destroy the flakes, so that the resulting toner does not include flakes any more.

The third process, namely spray drying the toner particles with toner resin, to the extent that it is enabling, appears to result in toner particles having a single flake and not "metal flakes dispersed in the polymer" of the toner particles.

The Ray patent teaches against the use of high shear mixing (col. 7, lines 46-50).

The examples given do not include the spray drying method. Applicants submit that not only do the spray dried toner particles not meet the claim (as indicated above), but that the Ray patent does not provide an enabling disclosure of how to make such particles. Thus, Ray remains a theoretical teaching of a desirable feature, without teaching how to produce the toner particles.

Applicants further submit that claims 69-71 as dependents from any of claims 54-58 and 58 are further distinguished from the prior art. In particular, these claims define a liquid toner utilizing the particles. Applicants submit that the use of particles, actually containing flakes, results in a much larger particle than that usually used in liquid toners. The cited art does not teach liquid toners containing such particles.

Applicants note that while Ray does indicate that particle sizes of as small as 1 micron are defined, there is no teaching that this size applies to flakes. Furthermore, the examples applying to


metallic components define particles sizes of 35.4 microns (example 1) and 29.7 microns (example 5). Examples 2 and 3 utilize the materials of Example 1 and example 6 utilizes the material of example 5 and example 4 does not utilize flake, even as a starting material.

Applicants submit that even if the Examiner were to find that for use in powder toner, the particles as defined in claim 54 is unpatentable, a liquid toner utilizing the large particles of Ray is neither taught nor suggested.

In view of this analysis of the prior art, applicants submit that the Examiner has not made a *prima facie* case of obviousness, since, even were the two references combined, they would not result in the claimed toner particles. Furthermore, applicants submit that it would not have been obvious to combine them, at least with respect to claims

In view of the above amendments and arguments, applicants submit that the application is in order for allowance. Notice to that effect is respectfully awaited.

Respectfully submitted,
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